



A handwritten signature in black ink, reading "Brian D. Lynch".

**Brian D. Lynch**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

Tatyana Lysyy,

Debtor.

Case No. 23-41811-BDL

**Order Granting in Part and  
Denying in Part Motion for  
Relief From Automatic Stay**

Deutsche Bank National Trust Company, as trustee, on behalf of the holders of the Impac Secured Assets Corp. Mortgage Pass-Through Certificates Series 2007-1 (the "Creditor") filed a motion for relief from stay in the above-captioned bankruptcy case on November 1, 2023 (the "Motion"). ECF. No. 14. In the Motion, the Creditor seeks relief from the automatic stay and the co-debtor stay pursuant to 11 U.S.C. § 362(d)(1) and *in rem* relief pursuant to 11 U.S.C. § 362(d)(4) to allow the Creditor to recover on a note and deed of trust on the Debtor's property located at 12921 SE 318th Way Auburn, WA 98092 (the "Property"). The Creditor alleges that it lacks adequate protection because the Debtor and her non-filing spouse have been in default since 2010 and there is little to no equity in the Property.

In response to the Motion, the Debtor Tatyana Lysyy filed a motion to dismiss the Motion (ECF No. 17) as well as a formal response to the Motion (ECF No. 27)

1 (collectively, the “Response”). In the Response, the Debtor requests that the Motion be  
2 denied, inter alia, because the Creditor lacks constitutional and prudential standing  
3 because it is not the holder of the note or the beneficiary of the deed of trust. The  
4 Creditor filed a reply to the Response, countering the Debtor’s representations and  
5 maintaining that it is the valid holder of the note. ECF No. 24.

6 The Court held a hearing on the Motion on November 27, 2023 (the “Hearing”).  
7 Counsel for the Creditor and the Debtor both appeared at the Hearing. The Court made  
8 an oral ruling at the Hearing overruling the Debtor’s Response and granting in part,  
9 and denying in part, the Motion, which is incorporated herein by reference.

10 Therefore, it is hereby

11 ORDERED:

- 12 1. that pursuant to 11 U.S.C. § 362(d)(1), the Creditor is granted relief from the  
13 stay to litigate the issues regarding the Property in the pending state court action  
14 in King County Superior Court, Case No. 22-2-11294-8KNT;
- 15 2. that pursuant to 11 U.S.C. § 362(d)(1), the Creditor is denied relief from the stay  
16 to proceed with foreclosure on the Property at this time; and
- 17 3. that the Creditor is denied *in rem* relief under 11 U.S.C. § 362(d)(4) as it pertains  
18 to the Property.

19 ///End of Order///